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LONG ISLAND OFFICE

11-1231M

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

PEDRO CARMONA,  
also known as "Pierrecruz45,"

Defendant.

AFFIDAVIT IN SUPPORT OF AN  
ARREST WARRANT

M. No. \_\_\_\_\_  
(T. 18, U.S.C., §  
2252(a)(1))

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EASTERN DISTRICT OF NEW YORK, SS.:

DANIELLE M. MESSINEO, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about August 15, 2011, within the Eastern District of New York and elsewhere, the defendant PEDRO CARMONA, also known as "Pierrecruz45," did knowingly and intentionally transport and ship, using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, one or more visual depictions, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(1)).

The source of my information and the grounds for my belief are as follows:<sup>1</sup>

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<sup>1</sup> Because the purpose of this affidavit is merely to establish probable cause to arrest, I have not set forth all of the

1. I have been employed as a Special Agent of the FBI since January 1995, and am currently assigned to the Long Island Resident Agency. Since June 2003, I have been assigned to investigate Sexual Exploitation of Children ("SEOC") violations of federal law, including the trafficking of child pornography. I have gained expertise in the conduct of such investigations through training in seminars, classes, and daily work related to conducting these types of investigations, including the execution of numerous search warrants relating to child pornography offenses and subsequent prosecution of offenders. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

**THE UNDERCOVER INVESTIGATION**

3. On or about August 15, 2011, an FBI Task Force Officer working in an undercover capacity ("the Undercover TFO") signed into a peer-to-peer ("P2P") program,<sup>2</sup> which is publicly-available,

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facts and circumstances concerning this investigation of which I am aware.

<sup>2</sup> Peer-to-peer file-sharing is a method of communication available to Internet users through the use of special software. Computers linked together through the Internet using this software form a network that allows for the sharing of digital files between

via an internet-connected computer located within the FBI's Charlotte Division. The Undercover TFO memorialized the session by intermittent video capture. Any download activity from the session was monitored via a packet-capture application.

4. Upon signing in to the publicly available P2P file sharing program, the Undercover TFO observed that the user "Pierrecruz45" was online. The Undercover TFO observed that "Pierrecruz45" was sharing six (6) folders named as follows: "boiz, kuntz, non xxx, olderfolk, SM special" which all were marked as "read-only" meaning other users of the P2P network did not have access to modify the folder contents. The last folder was marked "share with moi" which was marked read/write meaning the other users were able to place files in this folder. All of the folders did not have a password with the exception of the folder named

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users on that network. A user first obtains the P2P software, which can be downloaded from the Internet. In general, P2P software allows the user to set up files on a computer to be shared with others running compatible P2P software. A user obtains files by opening the P2P software on the user's computer, and conducting searches for files that are currently being shared on another user's computer. The latest evolution of P2P software is a program that allows a user to set up his own private P2P network of contacts. File-sharing through this new and publicly available P2P file-sharing program is limited only to other users who have been added to a private list of "friends." A new user is added to a list of friends by request. Acceptance of a friend request will allow that new user to download files from the user who sent the friend request. The new user can then browse the list of files that the other user has made available to download, select desired files from this list, and download the selected files. The downloading of a file occurs through a direct connection between the computer requesting the file and the computer containing the file.

"boiz."<sup>3</sup>

5. The Undercover TFO engaged "Pierrecruz45" in a chat session and asked for "Pierrecruz45's" password for the "boiz" collection. "Pierrecruz45" replied, "hi... .would love to fully share with you. My pass is....show....may I have yours?" The Undercover TFO entered the password "show" into the folder "boiz" and verified that it worked properly. The folder contained a mixture of videos and pictures with titles indicative of child pornography. Concurrently, "Pierrecruz45" began downloading three purported child pornography video files from the Undercover TFO titled "Jenny f42 SIS.mov," "Tory MPC2000 blondebf 11YRS.avi ," and "Vicky NYMPHETS yungboy kid.mov."<sup>4</sup> The Undercover TFO was able to download five (5) files from "Pierrecruz45." A later review of these files revealed that two of the video files appeared to contain child pornography. These videos, which were reviewed by the Honorable William D. Wall on December 12, 2011, at the time of the search warrant application described below, are described as follows:

- a. "!!!!!!!!!!!!!!!!!!!!2008 boy taking my cock!!!!!!!!!!!!!!!!!!!!.avi" is a video depicting a prepubescent male child approximately 8-10 years old being anally penetrated by an adult male. The video is approximately 5 minutes and 23 seconds in

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<sup>3</sup> Child pornography depicting male children is often referred to on the Internet using the nickname "boiz" (i.e. meaning "boys").

<sup>4</sup> These file did not in fact contain child pornography, however, in order to obtain child pornography, undercover agents must appear to have child pornography available for trade.

length.

- b. "kdv 14yo Black boy ejaculates (17s).mpeg" is a video depicting a male child approximately 14 years old masturbating. The video is approximately 17 seconds in length.

6. The Undercover Agent used a publicly available program to identify the IP address utilized by "Pierrecruz45" as 68.194.13.92. Records revealed that the IP address 68.194.13.92 was registered to Optimum Online/Cablevision and that this IP the defendant PEDRO CARMONA at his residence in Brentwood, New York.


#### THE SEARCH WARRANT EXECUTION

7. On December 14, 2011, I, along with SCPD and FBI personnel, executed a federal search warrant on the residence of the defendant PEDRO CARMONA in Suffolk County, New York, which warrant was issued on December 12, 2011 by the Honorable United States Magistrate William D. Wall of the Eastern District of New York.

8. Pursuant to this search, the defendant PEDRO CARMONA was interviewed, following waiver of his Miranda rights. Defendant CARMONA admitted, in sum and substance and relevant part, that he had been using the peer-to-peer program and the screenname "Pierrecruz45" to trade child pornography with approximately 20 other individuals. CARMONA further admitted that he had been downloading and sharing child pornography for approximately one year. CARMONA indicated that approximately one-third of his two gigabyte collection was child pornography. CARMONA admitted that he looked at the child pornography occasionally and masturbated to

it. CARMONA indicated that the ages of the children in the child pornography he collected were approximately 10 to 11 years' old.

WHEREFORE, Your affiant also respectfully requests that the defendant PEDRO CARMONA, also known as "Pierrecruz45," be dealt with according to law.

  
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Danielle Messineo  
Special Agent - FBI

Sworn to before me this  
14<sup>th</sup> day of December, 2011

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THE HONORABLE WILLIAM D. WALL  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK